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Hearing Date: November 29, 2017
Time: 10:00am

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ASPEN FINE ARTS, CO.,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04335 (SMB)

**NOTICE OF MOTION FOR LEAVE
TO FILE SECOND AMENDED COMPLAINT AND FOR RELATED RELIEF**

PLEASE TAKE NOTICE that upon the accompanying Motion, Irving H. Picard, as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, will move the Court for entry of the proposed Order, submitted herewith, granting the Trustee leave to file his Second Amended Complaint and for related relief, on November 29, 2017 at 10:00 a.m., or as soon thereafter as counsel may be heard, before the Honorable Stuart M. Bernstein at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York.

PLEASE TAKE FURTHER NOTICE that any response or objection to the Motion must be in writing, conform to applicable rules of this Court and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, in accordance with General Order 242 by no later than 5:00 p.m. on Wednesday November 22, 2017 (the “Objection Deadline”) (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker and Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan and Nicholas J. Cremona, and (b) Securities Investor Protection Corporation, 805 15th Street, N.W., Suite 800, Washington, D.C. 20005, Attn: Kevin H. Bell, so as to be received no later than the Objection Deadline. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that notice of this motion will be provided by U.S. Mail or email to all defendants in this adversary proceeding pursuant to the Order Establishing Notice Procedures (Adv. Pro. No. 08-01789 (SMB); ECF No. 4560). The Trustee submits that no

other or further notice is required.

Date: November 8, 2017
New York, New York

Of Counsel:

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Liquidation of Bernard L. Madoff
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Madoff*

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Plaintiff-Applicant,

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BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

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Defendant.

No. 08-01789 (SMB)

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**[PROPOSED] ORDER ON MOTION FOR LEAVE TO FILE
A SECOND AMENDED COMPLAINT AND FOR RELATED RELIEF**

This cause having come before the Court on November 29, 2017 on the motion (“Motion”) of Irving H. Picard (“Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, for entry of an order granting leave to the Trustee to file his Second Amended Complaint. Due notice of the Motion having been given, and upon the proceedings before the Court and after due deliberation,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is granted leave to file his Second Amended Complaint.
3. The caption for this adversary proceeding is amended and shall appear as indicated in Exhibit 1 to this order.

SO ORDERED:

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

Dated: _____, 2017
New York, New York

Exhibit 1

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ASPEN FINE ARTS, CO. and MELVIN KNYPER,

Defendants.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04335 (SMB)